



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Lauren Ganapini

Indianapolis, IN 46203

JUL - 5 2016

RE: MUR 6904

Dear Ms. Ganapini:

The Federal Election Commission reviewed the allegations in your complaint received on November 13, 2014. On June 30, 2016, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on June 30, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Report is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Daniel A. Petalas  
Acting General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

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**SENSITIVE**

2016 JUN 16 AM 10: 2 BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 6904**

**Complaint Receipt Date: November 7, 2014**

**Response Date: December 17, 2014 (Committee)**

**Respondents:** Cat Ping for Congress<sup>1</sup>  
Catherine L. Ping as  
treasurer (collectively the  
"Committee"), and  
Concerned 7<sup>th</sup> District  
Neighbors ("CDN")<sup>2</sup>

**EPS Rating:**

**Alleged Statutory/**

**Regulatory Violations**

52 U.S.C. § 30102(i)

52 U.S.C. § 30120(a)

11 C.F.R. § 109.10

11 C.F.R. § 110.11(c)

The Complaint alleges that the Committee's website violated the Federal Election Campaign Act of 1971, as amended, and Commission regulations by using the name "Cat Ping for Congress 2014" in its disclaimer, when the Committee's actual name was "Cat Ping for Congress." The Complainant also states that the Committee's website disclaimer was not included within a printed box, and that the solicitation page on the Committee's website lacked the requisite "best efforts" language. The Complainant observes that CDN ran a newspaper advertisement that expressly advocated for Ping's election, but failed to indicate whether Ping had authorized it. The Complainant suggests that if the advertisement cost more than \$250, and it was not approved by Ping, CDN should have filed an independent expenditure report with the Commission.

<sup>1</sup> In 2014, Ping was an unsuccessful candidate for Congress from Indiana's 7<sup>th</sup> Congressional District.

<sup>2</sup> We were unable to find contact information for CDN; therefore, we were unable to notify this Respondent.

1 The Committee maintains that the disclaimer on its website did not mislead the public.  
2 It claims that it was not required to display the disclaimer within a printed box because that  
3 requirement applies only to printed communications. See 11 C.F.R. § 110.11(c)(2)(ii).  
4 Furthermore, the Committee notes that it was not required to display its disclaimer on every  
5 page of its website. Regarding the "best efforts" allegation, the Committee claims that the  
6 complainant failed to set forth any contribution for which the requisite identifying information  
7 was not disclosed. Finally, the Committee denies that it had any prior knowledge of CDN's  
8 advertisement and did not authorize it.<sup>3</sup>

9 The Committee's website appears to include sufficient information as to the identity of  
10 the party who paid for it.<sup>4</sup> Thus, it is unlikely that the public was misled by the slight variation  
11 of the Committee's official name.

12 Based on its experience and expertise, the Commission has established an Enforcement  
13 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
14 assess whether particular matters warrant further administrative enforcement proceedings.  
15 These criteria include (1) the gravity of the alleged violation, taking into account both the type  
16 of activity and the amount in violation; (2) the apparent impact the alleged violation may have  
17 had on the electoral process; (3) the complexity of the legal issues raised in the matter; and  
18 (4) recent trends in potential violations and other developments in the law. This matter is rated  
19 as low priority for Commission action after application of these pre-established criteria. Given

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<sup>3</sup> According to the Committee, it contacted the *Franklin Township Informer*, in which the pro-Ping CDN advertisement appeared, and was quoted a price of \$60, which is well under the "over \$250" threshold required for filing an independent expenditure report.

<sup>4</sup> The Commission has concluded that internet pages do not constitute "printed communications;" therefore, the additional disclaimer requirements for printed disclaimers, including the "printed box" requirement, do not apply to campaign websites. See Statement of Reasons, Comm'rs. Weintraub, Walther, Lenhard, Mason, Toner and von Spakovsky at 4, MUR 5526 (Graf for Congress); see also MUR 6591 (Friends of Tom Stilson).

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1 that low rating and the other circumstances presented, including the apparent small amounts at  
2 issue, we recommend that the Commission dismiss the allegations consistent with the  
3 Commission's prosecutorial discretion to determine the proper ordering of its priorities and use  
4 of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend  
5 that the Commission close the file as to all respondents and send the appropriate letters.

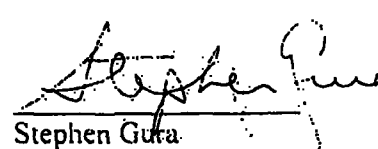
6  
7 Daniel A. Petalas  
8 Acting General Counsel  
9


10  
11 Kathleen M. Guith  
12 Acting Associate General Counsel  
13 for Enforcement  
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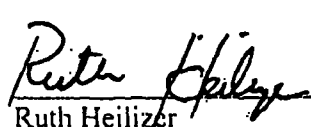
15  
16  
17 6.15.16

18 Date

19 BY:

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21 Stephen Gura  
22 Deputy Associate General Counsel  
23 Enforcement  
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27 Assistant General Counsel  
28 Complaints Examination  
29 & Legal Administration  
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